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11 Attorneys for Plaintiff  
12 SUCCESSFACTORS, INC.

13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

17 SUCCESSFACTORS, INC., a Delaware  
18 corporation,

19 Plaintiff,

20 v.

21 SOFTSCAPE, INC., a Delaware  
corporation; and DOES 1-10, inclusive,

22 Defendants.

Case No. CV 08 1376 CW (BZ)

**STIPULATION AND [PROPOSED]  
ORDER SELECTING ADR PROCESS**

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Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5. The parties agree to participate in private mediation to be conducted in the San Francisco Bay Area. The parties are currently engaged in initial discovery, including document productions, written discovery responses and depositions, and would like to complete this discovery before engaging in private mediation. They agree to complete mediation no later than November 28, 2008.

Dated: May 27, 2008

FENWICK & WEST LLP

By: /s/ Patrick E. Premo  
Patrick E. Premo

Attorneys for Plaintiff  
SUCCESSFACTORS, INC.

Dated: May 27, 2008

MINTZ LEVIN COHN FERRIS GLOVSKY AND  
POPEO, PC

By: /s/ Jeffrey Ratinoff  
Jeffrey Ratinoff

Attorneys for Defendant  
SOFTSCAPE, INC.

**ATTESTATION PURSUANT TO GENERAL ORDER 45**

I, Patrick E. Premo, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a "conformed" signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 27th day of May, 2008, at Mountain View, California.

Dated: May 27, 2008

FENWICK & WEST LLP

By: /s/ Patrick E. Premo  
Patrick E. Premo

Attorneys for Plaintiff  
SUCCESSFACTORS, INC.

**[PROPOSED] ORDER**

Pursuant to the above Stipulation, the captioned matter is hereby referred to Court-sponsored mediation. The deadline for completion of the mediation is: \_\_\_\_\_

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_, 2008

\_\_\_\_\_  
The Honorable Claudia Wilken  
United States District Court Judge

FENWICK & WEST LLP  
ATTORNEYS AT LAW  
MOUNTAIN VIEW

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